

ORIGINAL

FILED

IN THE SUPREME COURT OF THE STATE OF MONTANA

April 16 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

No. DA 09-0475

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JAMES JOSEPH MAIN, JR.,

Defendant and Appellant.

FILED

APR 16 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Robin A. Meguire, counsel of record for Defendant and Appellant, and respectfully requests a 60 day extension of time until June 25, 2010, in which to prepare, file, and serve the Appellant's Opening Brief in the above-entitled matter. Opposing counsel has been contacted concerning this motion and does not object. In support of this motion, undersigned counsel respectfully submits the following affidavit.

DATED this 15th day of April, 2010.

ROBIN A. MEGUIRE
meguirelaw.com
P.O. Box 1845
Great Falls, MT 59403-1845

By: *Robin A. Meguire*

Robin A. Meguire

STATE OF MONTANA)
 : ss.
County of Cascade)

I, Robin Meguire, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed as contract counsel for the Office of State Public Defender, Appellate Defender's Office.

2. In my capacity as contract counsel for the Appellate Defender's Office, I have been assigned to handle the above-entitled matter.

3. The Appellant's Opening Brief is currently due April 26, 2010. This is my second request for an extension of time.

4. As shown below, I have exercised diligence and have substantial need for the extension.

5. The district court record on appeal is extensive and lengthy and the trial transcript is over 12,000 pages necessitating a considerable amount of time to review.

6. It has taken me more time than I expected to complete a thorough review of all of this information and prepare the Appellant's Opening Brief.

7. In addition, there are numerous issues necessitating a considerable amount of legal research.

8. For these reasons and due to the demands of my current appellate caseload and other pressing practice commitments, I cannot meet the present deadline for filing the Appellant's Opening Brief.

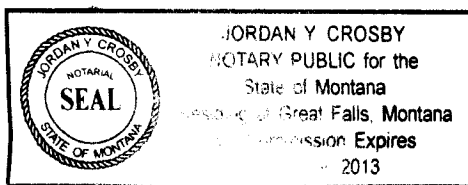
9. I will work diligently to complete the matter in the additional 60 days requested.

10. Opposing counsel has been contacted concerning this motion and does not object.

11. Further your affiant sayeth naught.

Robin May

SUBSCRIBED AND SWORN to before me this 15th day of April, 2010.



Jordan Y Crosby
Notary Public for the State of Montana
Residing at Great Falls, Montana
My commission expires 11/9/13

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
P.O. Box 201401
Helena, MT 59620-1401

GINA DAHL
Hill County Attorney
County Courthouse
315 Fourth Street
Havre, MT 59501

JAMES J. MAIN, JR. 3002286
Dawson County Correctional Facility
440 Colorado Blvd.
Glendive, MT 59330

DATED: 4/15/10

